

Local government Charters in the State of Tennessee that have provisions for citizens' petitions for Charter referendums –

All of the below localities allow citizen initiated petitions. Nashville requires the signatures of 10% of those who voted in the preceding general election. Knoxville is 25% of those who voted in the last Mayoral election. Knox County is 15% of those who voted in the last gubernatorial election. Chattanooga is 25% of those who voted in the last mayoral election. The variance in the number of required signatures is in accordance with and authorized by Tenn. Code Ann. § 2-5-151(j). The city of Memphis is the only major metro locality that does not have this provision in our Charter.

Knox County

Sec. 8.05. Amendments to this Charter.

A. In the manner provided by law for the framing, proposal and submission of new charters, a Charter Commission may frame and propose amendment(s) to this Charter and shall submit any such amendment(s) to the voters of the County.

B. The Commission of Knox County may frame and, by a favorable vote of two-thirds (2/3) of the Commission, propose amendments to this Charter. Except as otherwise provided in this Subsection, every ordinance proposing a Charter amendment shall be introduced in the form and manner, and governed by the procedure and requirements, prescribed for ordinances generally. Every such ordinance proposing a Charter amendment shall contain, after the enacting clause, the following, and no other matter: (1) a statement that the Charter amendment set out in the ordinance is proposed for submission to the voters of the County in accordance with the requirements of this Charter, and (2) the full text of the proposed Charter amendment. Such an ordinance shall become effective upon adoption, and its effect shall be to require that the County Clerk immediately deliver a certified copy of the ordinance to the County Election Commission and that the Election Commission submit the proposed Charter amendment, therein contained, to the voters of the County as provided in Section 8.05.E.

C. *Voters of the County may frame and propose amendments to this Charter by a petition addressed to the Commission, which petition shall contain the information required by Section 8.05.B for ordinances proposing amendments, and no other matter except as hereinafter provided in this Section 8.05.C. Any petition proposing a Charter amendment must be filed with the County Clerk and must be signed by qualified voters of the County equal in number to at least fifteen percent (15%) of the persons who voted in the last gubernatorial election in Knox County. The County Clerk shall immediately deliver said petition to the County Election Commission. When the County Election Commission determines that such petitions are legally sufficient, it shall submit same to the voters of the County in accordance with Section 8.05.E.*

**** D.** On or before March 1, 1996, and on or before March 1 of each eight (8) years thereafter, it shall be the duty of the Mayor to appoint, by proclamation, a Charter Review Committee, for the purpose of reviewing this Charter and determining the desirability of amendment(s) thereto. It shall be the duty of the Commission to ratify such proclamation within five (5) days of its issuance, exclusive of Saturdays, Sundays and holidays. The Charter Review Committee shall be

composed of one (1) member of the Commission from each Commission district and at least ten (10), but not less than a majority, registered voters of Knox County who are not members of the Commission, not more than two (2) such voters to be residents and registered voters in one (1) Commission district. It shall be the duty of the Charter Review Committee to give ample opportunity to County officeholders and members of the general public to make suggested changes to this Charter. Not more than sixty (60) days and not less than forty-five (45) days prior to the next general election next following its appointment, the Charter Review Commission shall either: (1) certify to the Knox County Election Commission such amendment(s) which it has determined to be desirable; or (2) certify to the Mayor and to the Commission a statement that it does not recommend amending this Charter.

E. The County Election Commission shall submit any Charter amendment certified and delivered to it, in accordance with the provisions of this Section 8.05, to the voters of the County at the next regular State or County election more than forty-five (45) days following the delivery to the County Election Commission of the ordinance or petition proposing the amendment. Not less than three (3) weeks before any election at which a proposed Charter amendment is to be voted on, the Election Commission shall publish a notice of the proposed amendment(s), in the form as provided by law, in a daily newspaper of general circulation in the County. The form of the ballot for submission of proposed Charter amendments shall be governed by the laws of the State of Tennessee concerning referendum elections. If a majority of the voters of the County voting upon a proposed Charter amendment votes in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, thirty (30) days after its adoption by the voters of the County. Any Charter amendment shall be published promptly after its adoption in the manner provided in this Charter for adopted ordinances.

(Ref. of 8-6-04)

**** NOTE** that this section authorizes a regular ‘commission review’ of the Charter, similar to what we have discussed.

City of Knoxville

411. Referendum.

Any ordinance enacted by the council shall be submitted to a referendum of the voters upon petition of qualified voters equal in number to twenty-five (25) percent of the voters for the office of mayor in the most recent election. Any petition to refer an ordinance to the voters shall be filed with the council within twenty (20) days following the date on which the ordinance shall become effective. When a referendum petition has been filed, the ordinance to be referred shall not take effect until twenty (20) days after its approval by a majority of the qualified voters of the city voting thereon. Emergency legislation shall remain in effect from the date it shall become law withstanding the filing of a petition for referendum, but shall stand repealed twenty (20) days after rejection by a majority of the qualified voters thereon.

412. [Ordinance] signing by presiding officer; filing, publication and codification.

Ordinances may be revised, codified, rearranged, and published in book form under appropriate chapters and sections and such revision and codification may be made in one (1) ordinance, containing one (1) or more subjects. The publication of such revision and codification in book form as aforesaid shall be held to be sufficient publication of the ordinance, or several ordinances

contained in such revision and codification and so published. Any such publication of a revision or codification of ordinances in book form shall contain a certificate of the mayor and the recorder of the correctness of such revision, codification and publication. Every ordinance or resolution, upon its final passage, shall be authenticated by the signature of the presiding officer of the council and the recorder, and shall be filed with the recorder.

Davidson County (Metro Nashville)

ARTICLE 19. AMENDING CHARTER

Sec. 19.01. Amending Charter by resolution of council or petition and popular vote.

This Charter may be amended subsequent to its adoption in the following manner:

An amendment or amendments may be proposed (1) by the adoption of a resolution by the council favoring the same and submitting it or them to the people for approval. The affirmative vote for adoption of such resolution in the council shall be not less than two-thirds of the membership to which the council is entitled, and such resolution when adopted need not be submitted to the mayor for his approval; or (2) upon petition filed with the metropolitan clerk, signed by ten (10) per cent of the number of the registered voters of Nashville-Davidson County voting in the preceding general election, the verification of the signatures to be made by the Davidson County Election Commission and certified to the metropolitan clerk. Such resolution or petition shall also prescribe a date not less than eighty (80) [days] subsequent to the date of its filing for the holding of a referendum election at which the electorate of the metropolitan government will vote to ratify or to reject the amendments proposed.

The metropolitan clerk shall immediately certify to the county commissioners of election copy of such resolution or petition and it shall thereupon be the duty of said commissioners of election to hold a referendum election with respect thereto. The ballot shall be prepared so as to set forth a brief description of the amendment worded so as to convey the meaning of said amendment, said description to be set forth in the original amendatory resolution, that the language of each amendment in full be posted conspicuously in the voting place and be published in a local newspaper, numbered as the same is numbered in the resolution of the council or in the petition, and to provide the voters a choice to vote "For Ratification" and "Against Ratification" of each proposed amendment. Each proposed amendment shall be ratified when a majority of the votes cast at the special referendum election shall be in favor of ratification and each proposed amendment shall be rejected when a majority of said votes shall be against ratification. Notice of said referendum election shall be given as provided by Tennessee Code Annotated, section 2-1808*, and the costs of said election shall be paid out of the general funds of the metropolitan government.

The commissioners of election shall canvass the returns and certify the results to the secretary of state, who shall issue a proclamation showing the results of said election on the ratification or rejection of each proposed amendment to this Charter. One copy of the proclamation shall be attached to the copy of this Charter previously certified to said secretary of state and one copy shall be delivered to the metropolitan clerk who shall attach the same to the copy of the Charter in his custody.

The council shall not adopt a resolution proposing amendments to this Charter more often than

twice during the term of office of members of said council, nor shall any such amendment or amendments be submitted by petition more often than once in each two years.

The council shall not adopt, except pursuant to section 18.06 of this Charter, a resolution which proposes an amendment that redistricts the councilman districts unless the same be incidental to a proposed change in the number of such districts.

(Res. No. 72-380, § 1, 11-7-72)

Editor's note--An amendment to § 19.01 was approved at an election held March 8, 1988.

City of Chattanooga

CHAPTER II. INITIATIVE AND REFERENDUM

Sec. 11.24. Initiative.

Any proposed ordinance may be submitted to the city council of the City of Chattanooga by petition signed by the qualified voters of said city equal in number to twenty-five per centum (25%) of the votes cast for all the candidates for mayor at the last preceding general municipal election, with the request that said ordinance be submitted to a vote of the people, if not passed by the city council. The signatures, verification, inspection, amendment and certification of each petition shall be the same as provided in section 23 of the Act hereby amended [section 3.18 hereof]. If the commissioners of election certify to the sufficiency of the petition, the proposed ordinance and petition shall be filed, with the city finance officer, and thereupon either (1) the city council shall pass such ordinance without alteration within six (6) weeks after it is so filed, or, if they fail or refuse to do so, (2) the city finance officer shall transmit said ordinance and petition, together with his certificate that the city council fail or refuse to pass such an ordinance, to the commissioners of election, whose duty it shall then be to call special election to be held as soon as may be done conformably to law, unless a general municipal election is fixed to be held within ninety (90) days; and at said special election, if one is so fixed, said ordinance shall be submitted without alteration to the vote of the qualified voters of said city. The ballots used when voting upon said ordinance shall contain these words: "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become as valid and binding an ordinance of the city as if duly passed by the board of commissioners; and any ordinance proposed by petition or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six (6) months for such a purpose.

The city council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance

Shelby County

Section 5.05. Amendments to the charter. The charter may be amended as follows:

A. In the manner provided by law for the framing, proposal and submission of new charters, a charter commission may frame and propose amendments to this charter and shall submit any such amendment to the voters of the county.

B. The board of county commissioners may frame and by a two-thirds vote of the board of county commissioners propose amendments to this charter. Except as otherwise provided in this subsection, every ordinance proposing a charter amendment shall be introduced in the form and manner, and governed by the procedure and requirements, prescribed for ordinances generally. Every such ordinance shall contain after the enacting clause the following, and no other matter: (1) A statement that the charter amendment set out in the ordinance is proposed for submission to the voters of the county in accordance with the requirements of this charter, and (2) the full text of the proposed charter amendment. Such an ordinance shall become effective upon adoption; and its effect shall be to require that the clerk of the board of county commissioners immediately deliver a certified copy of the ordinance to the county election commission and that the election commission submit the proposed charter amendment therein contained to the voters of the county as provided below.

C. Voters of the county may frame and proposed amendments to this charter. They may propose any such amendment by a petition addressed to the board of county commissioners and containing the full text of the proposed amendment. Any petition proposing a charter amendment must be filed with the clerk of the board of county commissioners and must be signed by qualified voters of the county equal in number to at least 15 percent of the persons who voted in the last gubernatorial election in Shelby County. The clerk shall immediately deliver it to the county election commission. When such petitions have been determined sufficient, the county election commission shall submit same to the voters of the county in accordance with this section.

Editor's note: The Charter, § 5.05C., which states "at least 15 percent of the persons who voted in the last gubernatorial election" is superseded by the state law, T.C.A. § 2-5-151(d) which states "at least fifteen percent (15%) of those registered to vote in the ...county."

[Addendum to the above note - Tenn. Code Ann. § 2-5-151(j) states, "This section shall control notwithstanding any statutory provision or charter provision of a municipality or county to the contrary; provided, that any contrary charter provision of a municipality or county which is enacted after July 1, 1997, shall control with respect only to the

requirements set forth in subsection (d) relating to the statutory minimum number of signatures required in a petition, and to the provisions of subdivision (f)(1) relating to the seventy-five-day deadline for filing of a petition after final certification by the county election commission."]

D. The county election commission shall submit to the voters of the county any charter amendment proposed and delivered to them in accordance with the provisions of this section. They shall submit any such amendment to the voters at the next regular county election if one occurs not less than 60 and not more than 120 days following the delivery to such authorities of the ordinance or petition proposing the amendment. Not less than three weeks before any election at which a proposed charter amendment is to be voted on, the election authorities shall publish a notice in a daily newspaper of general circulation. The form of the ballot for submission of proposed charter amendments shall be governed by state law concerning referendum elections. If a majority of the voters of the county voting upon a proposed charter amendment votes in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after its adoption by the voters of the county. Any charter amendment shall be published promptly after its adoption in the manner provided in this charter for adopted ordinances.

Editor's note: The Charter, § 5.05D, which states "at the next county election if one occurs not less than 60 and not more than 120 days" is superseded by the state law, T.C.A. § 2-5-151(f)(2) which states "a petition for recall, referendum or initiative shall be filed at least sixty (60) days before a general municipal or county election may be held on the question contained in such petition. The question contained in a petition filed less than sixty (60) days before an upcoming general municipal or county election will be placed on the ballot of the following general municipal or county election." In addition, the Charter, § 5.05D., which states "Not less than three weeks before any election at which a proposed charter amendment is to be voted on, the election authorities shall publish a notice in a daily newspaper of general circulation." is superseded by T.C.A. § 2-12-111(b) which requires publication of "notice of elections on questions not less than twenty (20) days nor more than thirty (30) days before the day of the election."